

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MAGNIFY INC., *et al.*,

Defendants.

Adv. Pro. No. 10-05279 (SMB)

**STIPULATION AND ORDER GRANTING LEAVE TO FILE TRUSTEE'S SECOND
AMENDED COMPLAINT**

WHEREAS, on December 6, 2010, Irving H. Picard, the trustee (the "Trustee") for the liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III ("SIPA") and the substantively consolidated chapter 7 estate of Bernard L. Madoff, filed a complaint in the above-referenced action in the United States Bankruptcy Court for the Southern District of New York, Adv. Pro. No. 10-05279 (SMB);

WHEREAS, on September 21, 2011, the Trustee filed an amended complaint (the “Amended Complaint”);

WHEREAS, Defendants Magnify, Inc., Premero Investments Ltd., Strand International Investments Ltd., The Yeshaya Horowitz Foundation, Yair Green and Express Enterprises (the “Defendants,” and together with the Trustee, the “Parties”) filed an answer to the Amended Complaint on January 18, 2012; and

WHEREAS, the Parties have engaged in discovery since March 28, 2012, including, *inter alia*, document requests and interrogatories, Rule 26 disclosures, third-party discovery, document productions and a deposition.

IT IS HEREBY STIPULATED AND AGREED, by the undersigned herein, and ordered that:

1. Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Federal Rule of Bankruptcy Procedure 7015, the Trustee has requested Defendants’ consent to an amendment of the Trustee’s Amended Complaint in the form attached hereto as Exhibit A (the “Second Amended Complaint”), which consent Defendants have provided. This Stipulation confirms Defendants’ consent in this regard, and their consent to service of the Second Amended Complaint, without prejudice to the rights of any party.

2. The Trustee is granted leave to file the Second Amended Complaint attached hereto as Exhibit A. Defendants shall answer or otherwise respond to the Trustee’s Second Amended Complaint on or before October 31, 2017.

3. This Stipulation may be signed by Trustee and Defendants in any number of counterparts, each of which shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Date: September 28, 2017
New York, New York

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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

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*Attorneys for Defendants Magnify Inc., Strand
International Investments Ltd., Premero
Investments Ltd., Yair Green, Express
Enterprises Inc. and the Yeshaya Horowitz
Association*

SO ORDERED.

**Dated: September 28th, 2017
New York, New York**

**/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE**